

### REMARKS

This amendment is offered in response to the Office Action of October 21, 2003.

This amendment has canceled Claims 63-74, without prejudice or disclaimer, in response to the Examiner's withdrawal of these claims. Applicant intends to file a divisional application with respect to these claims.

The Office Action rejected Claims 36, 45, 53 and 60-62 under 35 U.S.C. §112, first paragraph.

The Office Action rejected Claims 36 and 53 as not having support for the positioning of the zipper and the adhering of the first profile of the zipper to the film web before providing the walls panels, i.e. the forming of the web into a form that has two wall panels. The Examiner is respectfully referred to Figure 7, wherein the zipper is sealed to the first wall (film 12) before the second wall (top film 18) is provided. It is respectfully submitted that the present specification and drawings support Claims 35 and 53.

The Office Action rejected Claims 61 and 62 as not having support for "the sequence" (quote from Office Action) of the attachment of the zipper to the "continuous web" and "forming said continuous web into the reclosable bags". Without addressing the issue of whether or not Claim 61 requires the steps to be performed in the sequence recited in the claim, it is respectfully submitted that in Figures 12-19, the point of the zipper attachment to the web is prior to the completion of the forming of the continuous web into reclosable bags. It is respectfully submitted that the Office Action appears to be construing the folding of the web at the folder plow 86 to be the formation of the reclosable bag. Applicant respectfully traverses this construction. It is respectfully submitted that the present specification and drawings support Claims 61 and 62.

The Office Action rejected Claim 45 as not having support for the cutting of the side seals after the filling operation. This is supported in Figure 1, in combination with the statement "After optional product loading, top film 18 is indexed off a coil ..." on page 5, lines 6 and 7 of the present application, in view of the fact that Figure 1 shows the separation of the packages occurring downstream of the indexing of the top film 18. It is respectfully submitted that the present specification and drawings support Claim 45.

The Office Action rejected Claim 60 as not having support for the tamper resistant element. The Examiner is respectfully referred to the tamper resistant configuration of Figure 19, which is formed by the apparatus of Figure 18. It is respectfully submitted that the present specification and drawings support Claim 60.

With respect to the 35 U.S.C. §§102(e), 103(a) rejections over the Belmont reference (U.S. Patent No. 6,427,421), it is respectfully submitted that to the extent that these rejections are not overcome by the 131 declaration, they should be considered under 35 U.S.C. §102(g) in an interference, the declaration of which the Applicant respectfully but strenuously requests.

It is therefore respectfully submitted that the 35 U.S.C. §§102, 103 rejections over the Belmont reference are obviated.

The Applicant gratefully acknowledges that Claim 29 has been found to include allowable subject matter. However, the Applicant wishes to defer consideration of rewriting this claim in independent form until after the Examiner has reconsidered the allowability of Claim 28.

Declaration of an interference is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized flourish at the end.

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